

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NW/3 Edmondson Avenue, 25' NE of the c/l of Coleraine Avenue (5602 Edmondson Avenue) 1st Election District 1st Councilmanic District James G. Klein, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property in a D.R. 5.5 zone as a retail store, and variances to permit a side yard setback of 0 feet in lieu of the required 25 feet, and a lot width of 78 feet in lieu of the required 80 feet for the existing improvements, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were William Bafitis, Registered Professional Engineer, Nicholas Comadari, Zoning Consultant, and Paul Richard, George M. Pearle, Gilbert and Lila Jones, Grant and Marilyn Turner, Evelyn Tyson and Wayne Wiggins, Jr., all residents of the area. No Protestants appeared at the hearing.

Testimony indicated that the subject property known as 5602 Edmondson Avenue, consists of 0.37 acres zoned D.R. 5.5 and is located at the corner of Edmondson Avenue and Coleraine Avenue. Said property is improved with a single family dwelling, used as two apartments, with an attached retail store to the front of the property, and a two car garage to the rear of the site with an adjoining parking lot. As a result of a complaint filed with the Zoning Office, Petitioners were advised to file

the instant Petitions to establish a nonconforming use of the existing improvements.

Mrs. Jones testified that she has resided on North Bond Street, which is approximately two blocks from the subject site, since 1926. She testified that she has the distinct recollection of a retail grocery store existing at the subject location as depicted in Petitioner's Exhibit 1 continuously and without interruption since 1940. Mr. Richard, who resides on Malbrook Road a few blocks from the site, testified that he has resided in the area since 1940. He testified that he distinctly remembers the retail grocery store existing at the subject location and that it has operated continuously and without interruption since that time. In further support of their position, Petitioners introduced a copy of the Westown Community Association director from February 7, 1942 regarding an introductory party and dance at the Hotel Belvedere. Inside the brochure is an advertisement for "Wm. L. Wells Quality Groceries and Meats" at Coleraine Road and Edmondson Avenue. Petitioners also introduced Petitioner's Exhibit 3 which was a signed Petition from numerous residents of the area indicating their support of the continued retail use of the subject property as a grocery store. Numerous other individuals appeared at the hearing to testify as to their support of Petitioners' request and the benefit the continued operation and nonconforming use of the subject property as a grocery store will provide to the residents in the area.

Testimony regarding the requested variances indicated the need is due to the artificial zoning use line placed on Petitioner's Exhibit 1, as required by the Zoning Office, to distinguish the area used for the nonconforming retail store from the permitted residential uses. Dividing the uses as required has necessitated the variances. While the property in

width in excess of 100 feet exceeds the required 80 feet for a proper conversion to a two-apartment dwelling, the zoning use division line to differentiate between the residential and retail uses results in a residential area width of 78 feet. Testimony presented indicated the granting of the variance will not result in any detriment to the health, safety or general welfare of the community and to deny the relief requested would result in practical difficulty and unreasonable hardship to Petitioners. Petitioners contend the spirit and intent of the zoning regulations are met by the granting of the requested variances.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. The testimony presented and undisputed indicates the retail grocery store as now used was in existence prior to 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKenney v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978). The facts presented indicate there has been no change and/or interruption to the nonconforming use.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used as a retail grocery store continuously and without interruption since prior to the effective

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of March, 1990 that the Petition for Special Hearing to approve the nonconforming use of the subject property in a D.R. 5.5 zone as a retail grocery store, and the Petition for Zoning Variance to permit a side yard setback of 0 feet in lieu of the required 25 feet, and a lot width of 78 feet in lieu of the required 80 feet for existing structures, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The nonconforming use granted herein for the retail grocery store is limited to the 667 sq.ft. depicted on Petitioner's Exhibit 1.
- 3) Petitioners shall not use any portion of the residential uses on the right side of the zoning use line, as shown on Petitioner's Exhibit 1, to support the retail grocery store use other than the 868 sq.ft. of basement area presently used for storage purposes.
- 4) The residential uses on the subject property shall be limited to the two apartments shown on Petitioner's Exhibit 1, comprising 1,736 sq.ft. total.
- 5) Petitioner shall not allow or cause the accessory structure (two-car garage) to be converted to a second dwelling unit and/or apartments.
- 6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

AMN:bjs
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

- 5 -

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-335-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming use for a retail store in a DR 5.5 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): JAMES E. KLEIN, HENNY KLEIN, 1509 VEGA AVE., BALTO. MD. 21227, 409 Washington Ave., Suite 600, Towson, Maryland 21204, 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 19 day of DEC, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7 day of MARCH, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-335-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.2 to allow a side yard setback of 0 ft. in lieu of the required 25 ft. and to allow a lot width of 78 ft. in lieu of the required 80 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) Existing structures
- 2) Shape of property
- 3) Reasons to be presented at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): JAMES E. KLEIN, HENNY KLEIN, 1509 VEGA AVE., BALTO. MD. 21227, 409 Washington Ave., Suite 600, Towson, Maryland 21204, 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 19 day of DEC, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7 day of MARCH, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County



ZONING DESCRIPTION FOR JAMES G. KLEIN'S PROPERTY 5602 EDMONDSON AVENUE

Beginning on the northwest side of Edmondson Avenue, 60 feet wide, at the northeast corner of Coleraine Avenue and Edmondson Avenue. Being Lots 155 and 156, in the subdivision of Meridale Farm Plat No. 2, Book WFC No. 6 folio 75, also known as, 5602 Edmondson Avenue in the 1st Election District.



William N. Bafitis, P.E.
MD. Reg. No. 11641

Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (410) 887-3333 J. Robert Haines Zoning Commissioner

January 22, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing and Zoning Variance CASE NUMBER 90-335-SPHA NW/3 Edmondson Avenue, 25' NE of c/l of Coleraine Avenue 5602 Edmondson Avenue 1st Election District - 1st Councilmanic District Petitioner(s): James E. & Henny Klein HEARING: WEDNESDAY, MARCH 7, 1990 at 11:00 a.m.

Special Hearings: A non-conforming use for a retail store in a DR 5.5 zone. Variances: To allow a side yard setback of 0 ft. in lieu of the required 25 ft. and to allow a lot width of 78 ft. in lieu of the required 80 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a permit to be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3361 to confirm hearing date.)

NOTE:

"PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3361 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 5, 1990



S. Eric DiNenna, Esquire
409 Washington Ave, Suite 600
Towson, MD 21204

RE: Item No. 190, Case No. 90-335-SPHA
Petitioner: James G. Klein, et ux
Petition for Special Hearing and
Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

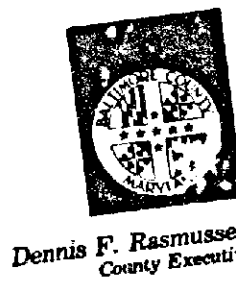
JED:jw

Enclosures

cc: Mr. & Mrs. James G. Klein
1509 Vera Avenue
Baltimore, MD 21227

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
19th day of December, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: James G. Klein, et ux
Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 18, 1990

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: James Klein, Item 190

The Petitioner requests a non-conforming use for a retail store in a D.R.-5.5 zone.

In reference to the Petitioner's request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reische
Chief

DECEMBER 19, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES E. KLEIN
Location: #5602 EDMONDSON AVENUE
Item No.: 190 Zoning Agenda: DECEMBER 19, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl G. Keller* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

AFFIDAVIT

The undersigned hereby affirms that the business located at 5602 Edmondson Avenue, Baltimore, Maryland 21222 has been used as a grocery store continuously and uninterruptedly since before 1945.

Name: *George W. Bueh* Date: *7/24/89*
Address: *5721 Edmondson Ave*
Signature: *George W. Bueh*

Name: *Charles W. Fennick* Date: *8/5/89*
Address: *629 Dwyer St*
Signature: *Charles W. Fennick*

Name: *Mrs. Karl Pelt* Date: *8-11-89*
Address: *205 Westlake Road*
Signature: *Elizabeth M. Pelt*

Name: *Mrs. Marie Montgomerie* Date: *8/24/89*
Address: *407 - Dwyer St*
Signature: *Carltonville Me*

Name: *Paula De Jones* Date: *8/22/89*
Address: *600 North Bend Rd*
Signature: *Paula De Jones*

Name: *Killed E Jones* Date: *8/24/89*
Address: *609 North Bend Rd*
Signature: *Killed E Jones*

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

AFFIDAVIT

The undersigned hereby affirms that the business located at 5602 Edmondson Avenue, Baltimore, Maryland 21222 has been used as a grocery store continuously and uninterruptedly since before 1945.

Name: *Mr. Paul Richard* Date: *8/17/89*
Address: *120 Malbrook Rd*
Signature: *Paul R. Richard*

Name: *Mrs. Foemhals* Date: *8/17/89*
Address: *201 Westmore Rd*
Signature: *Johnnie Foemhals*

Name: *A.E. Lucas* Date: *8/17/89*
Address: *107 Westmore Rd*
Signature: *A.E. Lucas*

Name: *Mary Dowling* Date: *8/17/89*
Address: *126 Malbrook Rd*
Signature: *Mary Dowling*

Name: *Edwin Zahn* Date: *8/17/89*
Address: *233 Westmore Rd*
Signature: *Edwin Zahn*

Name: *Clem Stuenkel* Date: *8/17/89*
Address: *106 Malbrook*
Signature: *Clem Stuenkel*

Name: *Dorothy Cascio* Date: *8/17/89*
Address: *101 Westmore Rd*
Signature: *Dorothy Cascio*

AFFIDAVIT

The undersigned hereby affirms that the business located at 5602 Edmondson Avenue, Baltimore, Maryland 21229 has been used as a grocery store continuously and uninterruptedly since before 1945.

Name: Mrs. Joseph Ruth Date: 8/16/89
Address: 124 Malbrook Rd
Signature: Mrs. Joseph Ruth

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

AFFIDAVIT

The undersigned hereby affirms that the business located at 5602 Edmondson Avenue, Baltimore, Maryland 21229 has been used as a grocery store continuously and uninterruptedly since before 1945.

Name: Mrs. J. Wm. Boucher Date: 7/22/89
Address: 5 Overbrook Rd.
Signature: M. B.

Name: DORSEY TIPTON Date: 8/22/89
Address: 22 MALLOW HILL RD 21229
Signature: Dorsey Tipton

Name: Mrs. George M. Rugee Date: 7/23/89
Address: 5721 Edmondson Ave. C2
Signature: Mary M. Rugee

Name: SARAH M CATEES Date: 7/23/89
Address: James town court 5542
Signature: Sarah M Catees

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

Name: _____ Date: _____
Address: _____
Signature: _____

AFFIDAVIT

The undersigned hereby affirms that the business located at 5602 Edmondson Avenue, Baltimore, Maryland 21229 has been used as a grocery store continuously and uninterruptedly since before 1945.

Name: Ellen R. Dowling Date: 7-22-89
Address: 126 Malbrook Road
Signature: Ellen R. Dowling

Name: HELEN H. TIPTON Date: 7/23/89
Address: 22 MALLOW HILL RD
Signature: Helen H. Tipton

Name: Enoch F. Mason Date: 7/26/89
Address: 5721 Edmondson Ave
Signature: Enoch F. Mason

Name: Alvin Davis Date: 7-26/89
Address: 606 Redwood Rd
Signature: Alvin Davis

Name: Mr. & Mrs. J. Di Sack Date: 7/28/89
Address: 643 Plymouth Rd.
Signature: Joseph Di Sack

Name: CATHERINE C. LEWIS Date: 7/28/89
Address: 609 PLYMOUTH RD.
Signature: Catherine C. Lewis

Name: Murray Gurnea Date: _____
Address: 415 North Bend Rd.
Signature: Murray Gurnea

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
James C. Klein	1509 Ave Ave Falls Md 21229
Harry Klein	1509 Ave Ave Falls Md 21229
Paul Richard	120 Malbrook Rd 21229
GEORGE M. PEARTE	223 WESTOWNE RD., BALT., MD. 21229
Lila M. Jones	600 NORTH BEND RD. BALT. MD. 21229
Gilbert E. Jones	600 North Bend Rd.
Robert T. Jones	4110 KINGSLEY RD. BALT. MD. 21229
Marilyn Y. Turner	4110 KINGSLEY RD. BALT. MD. 21229
EVANGLIN TYSON	4110 KINGSLEY RD. BALT. MD. 21229
Wayne Wiggins Jr	4110 KINGSLEY RD. BALT. MD. 21229

IMPORTANT MESSAGE

FOR _____ DATE _____ TIME _____ A.M. P.M.

WHILE YOU WERE OUT

OF _____

PHONE NO. _____

TELEPHONED _____

CALL TO SEE YOU _____

WANTS TO SEE YOU _____

RETURNED YOUR CALL _____

MESSAGE _____

SIGNED _____

**BUY
UNITED STATES
DEFENSE STAMPS
and
BONDS**

Westowne Community Association, Inc.

Westowne Community Association INCORPORATED

INTRODUCTORY PARTY and DANCE

Hotel Belvedere

February 7th, 1942

JOE DOWLING'S MUSIC

DIRECTORY

1942

Meet Your Friends and Neighbors

at
Westowne, Inc.
5509 EDMONDSON AVENUE
(4 Doors West of North Bend Street Car Loop)

• TASTY FOOD
• DELIGHTFUL DRINKS
• PACKAGE GOODS

FOR DELIVERY SERVICE, PHONE:
EDmondson 1221
CATonsville 1835

WARREN WIX

LEONARD FINK, Jr.

Your Officers and Committeemen

M. V. LARDNER, President
J. T. STANSBURY, Vice-President
W. H. BENNETT, Jr., Secretary
R. A. NOLAN, Recording Secretary
M. J. TRAVIESO, Treasurer
E. R. DESCH, Sergeant at Arms

Committees

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G. E. REAHL
E. R. DESCH
E. S. PITTENGER
R. S. BENNETT

FINANCE
E. L. TODD, Chairman
C. W. MORRIS
L. G. SHIPLEY
L. CINSER
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J. E. WARTHEN, Jr., Chairman
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J. F. DOWLING

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MRS. WM. BENNETT, Chairman
MRS. A. CALLENS

MRS. R. CAVALIER
MRS. L. FOX

MRS. R. NOLAN
MRS. J. L. WINTERS

628 North Bend Road
Baltimore, Maryland 21229
March 12, 1990
747-857

Deputy Zoning Commissioner
111 West Chesapeake Avenue Rm# 107
Towson, Maryland 21204

Attention: Ann Nastarowicz
Dear Deputy Zoning Commissioner:

I was unable to attend the hearing on 3/7/90 Re: 5602 Edmondson Avenue
Baltimore, Maryland 21229. Case# 90-335SPHA. I could not take time off
from work.

I would like to be put on record that I am opposed to any changes in the
zoning of that property. I like the convenience of a small neighborhood
grocery store, but that is all the neighborhood needs. Last year they
had a large canopy on the property with mulch, dirt, etc. this is not grocery
store supplies. I don't know what else he has in mind for my community
if the zoning is changed. Just like it started out with the dentist at
5602 Edmondson Avenue it was suppose to be an in house office now he's
got several dentists working there and no longer resides at the property.
The chipping away process has begun.

I am a new homeowner with a young family and I don't want Edmondson
Avenue to look like Liberty Road.

I would also like to get a copy that pertains to this hearing, and
also how I go about appealing any favorable decision.

Thank you for your consideration and time.

Sincerely yours,

Jeffrey J. Hiel

RECEIVED
MAR 15 1990

ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

James E. & Henry Klein
1508 Vera Avenue
Baltimore, Maryland 21222

Re: Petition for Special Hearing and Zoning Variance
CASE NUMBER: 90-335-SPHA
NW/5 Edmondson Avenue, 25' NE of c/l of Coleraine Avenue
5602 Edmondson Avenue
1st Election District - 1st Councilmanic District
Petitioner(s): James E. & Henry Klein
HEARING: WEDNESDAY, MARCH 7, 1990 at 11:00 a.m.

Dear Petitioners:
Please be advised that \$140.78 is due for advertising and posting of
the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY
UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the
check and the sign & post set(s) to the Zoning Office, County Office Building,
111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)
minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there
will be an additional \$50.00 added to the above amount for each such set
not returned.

Very truly yours,

J. Robert Haines
ZONING COMMISSIONER

NOTE:
(If "PHASE II" of the
"SHEM EMERGENCY PLAN"
is in effect in Baltimore
County on the above hearing
date, the hearing will
be postponed, in
the event of snow, to
phone 887-3353 to confirm
hearing date.)

cc: S. Eric DiNenna, Esq.
File

RE: PETITION FOR SPECIAL
HEARING
Greenspring Valley Rd.,
930' W from C/L of
Greenspring Avenue
(1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District
KONIONIA PARTNERSHIP,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO.: 90-335SPH
ITEM NO.: 209
Hearing: May 15, 1990
at 9:30 a.m.

PETITIONER'S NOTICE OF DE BENE ESSE DEPOSITION

The Petitioner, KONIONIA PARTNERSHIP, hereby gives
notice that it will take the deposition upon oral examination
of the following-named witness and that it intends to use and
rely on said deposition at the hearing on this matter before
the Zoning Commissioner or his Deputy on May 15, 1990, in lieu
of the deponent's personal appearance at the hearing:

Deponent: Miss Marion Carnes
and
Place of Deposition: Presbyterian Home of Maryland
400 Georgia Court
Towson, Maryland 21204

Date and time: Thursday, April 19, 1990 at 10:00 a.m.

The deposition will be taken before a Notary Public or
some other person who is authorized to administer an oath.

Stephen J. Nolan

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS,
CHARTERED

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 1, 1990
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on February 1, 1990

THE JEFFERSONIAN.

Publisher

CERTIFICATE OF PUBLICATION

February 8, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published
in the CATONSVILLE TIMES, a weekly newspaper published in
Baltimore County, Md., once in each of 1 successive weeks, the first
publication appearing on February 8, 1990

CATONSVILLE TIMES

Publisher

NOTICE OF HEARING
The Zoning Commission of
Baltimore County, by authority of
the Zoning Act and Regulations
of Baltimore County, will hold a
public hearing on the proposed
Special Hearing and Zoning Variance
Case Number: 90-335-SPHA
NW/5 Edmondson Avenue, 25' NE of
c/l of Coleraine Avenue
5602 Edmondson Avenue
1st Election District
Petitioner(s): James E. & Henry Klein
Hearing Date: Wednesday, March 7, 1990 at 11:00 a.m.

Special Hearing: A non-conforming
use for a small store in a
DR-1.5 zone. Variance to allow
a side yard setback of 0 ft. in lieu
of the required 25 ft. and to allow
a lot width of 78 ft. in lieu of the
required 80 ft.

In the event that this Petition is
granted, a building permit may be
issued within the forty (40) day
period. The Zoning Commission will, however, announce
the date of the hearing and the date of the
decision. Such request must be in writing
and received in the office by the
date of the hearing set above or
presented at the hearing.

NOTE:
(If "PHASE II" of the "SHEM
EMERGENCY PLAN" is in effect
in Baltimore County on the above
hearing date, the hearing will be
postponed, in the event of snow,
to phone 887-3353 to confirm
hearing date.)

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
CATO 7168 Feb. 8

CERTIFICATE OF PUBLICATION

February 8, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published
in the CATONSVILLE TIMES, a weekly newspaper published in
Baltimore County, Md., once in each of 1 successive weeks, the first
publication appearing on February 8, 1990

CATONSVILLE TIMES

Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

receipt
Ne 1616

Date
3/07/90

PUBLIC HEARING FEES QTY PRICE
000 - POSTING SIGNS / ADVERTISING 1 X \$140.78
TOTAL: \$140.78

LAST NAME OF OWNER: KLEIN

B C33*****14078** C075F

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 12, 1990



Dennis F. Rasmussen
County Executive

S. Eric DiNenna, Esquire
403 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
NW/5 Edmondson Avenue, 25' NE of the c/l of Coleraine Avenue
(5602 Edmondson Avenue)
1st Election District - 1st Councilmanic District
James G. Klein, et ux - Petitioners
Case No. 90-335-SPHA

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petitions for Special Hearing and Zoning
Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable,
any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. James Wolf
622 Coleraine Road, Catonsville, Md. 21228

Mr. Jeff Howell
1310 Frederick Road, Catonsville, Md. 21228

People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-335-SPHA

District: 1st Date of Posting: 2-12-90
Posted for: Special Hearing & Variance
Petitioner: James E. & Henry Klein
Location of property: NW/5 of Edmondson Avenue, 25' NE of Coleraine
Avenue, 5602 Edmondson Avenue
Location of Sign: Clear front of 5602 Edmondson Avenue

Remarks:
Posted by: J. Robert Haines Date of return: 2-16-90
Number of Signs: 2